

Inventor : Thuriéau et al.
Serial No. : 09/719,457
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REMARKS

This amendment is responsive to the Office Action mailed June 4, 2003. Original claims 1-3, 5, 7, 9, 11, 22-24, 27, 28, 30 and 33 are under examination in the present action. Claims 1-3, 5, 7, 9, 11, 22, 23, 30 and 33 stand rejected. Claims 24, 27 and 28 are objected to for being dependent on a rejected base claim.

The Examiner has objected to the application not containing an Abstract of the Disclosure as required by 37 C.F.R. §1.72(b). Applicants submit an Abstract of Disclosure confirming with the requirements of MPEP §608.01(b). Withdrawal of the objection to the lack of an Abstract of Disclosure is believed to be in order.

Response to issues presented under 35 U.S.C. §112, first paragraph

Claims 1-3, 5, 7, 9, 11, 22, 30 and 33 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to "reasonably convey to one skilled in the relevant art that the inventors, at the time the invention was filed, had possession of the claimed invention." Without conceding the correctness of the Examiner's rejection and in an effort solely to advance the prosecution of the instant application, Applicants have canceled, without waiver or prejudice, claims 1-3, 5, 7, 9, 11, 22, 30 and 33. Accordingly, withdrawal of the rejection of claims 1-3, 5, 7, 9, 11, 22, 30 and 33 under 35 U.S.C. §112, first paragraph, is respectfully requested.

Response to issues presented under 35 U.S.C. §103

Claims 1, 2, 5, 7, 22 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over international patent application publication number WO 98/27108. In particular, the

Examiner contends that Example 27 contained in WO 98/27108 is a positional isomer which "generically embrace[s]" the instantly

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claimed compounds. Applicants respectfully disagree, however, in an effort solely to advance the prosecution of the instant application, Applicants have canceled, without waiver or prejudice, claims 1, 2, 5, 7, 22 and 30. Accordingly, withdrawal of the rejection of 1, 2, 5, 7, 22 and 30 under 35 U.S.C. §103(a) is respectfully requested.

Response to claim objections

Claims 24, 27 and 28 stand as objected to as being dependent upon a rejected base claim. Without conceding the correctness of the Examiner's objection and in an effort solely to advance the prosecution of the instant application to allowance, Applicants have redrafted claims 24, 27 and 28 as independent claims thus obviating the Examiner's objection. Accordingly, withdrawal of the objection to claims 24, 27 and 28 is believed to be in order.

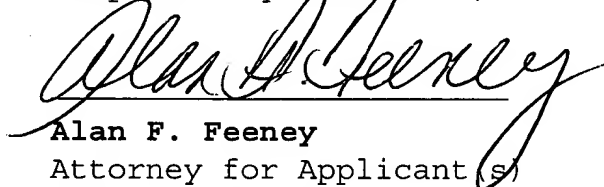
Applicants respectfully submit that the pending claims are in a condition for allowance and notification to that effect is earnestly solicited. The Examiner is invited to telephone Applicant(s) attorney at (508) 478-0144 to facilitate prosecution of this application.

Please apply any charges or credits to Deposit Account No. 50-0590 referencing attorney docket number 00537-178002.

Date: 12/4/2003

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Respectfully submitted,


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